

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Samsideen D. Quadri AKA Sam D
Quadri
Debtor.

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: Case No.: 17-28121
: Chapter 13
: Judge Jack B. Schmetterer
: * * * * *
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NOTICE OF MOTION

TO: See attached list.

PLEASE TAKE NOTICE that on February 24, 2021, at 10:00 AM, I will appear before the Honorable Judge Jack B. Schmetterer, or any judge sitting in that judge's place, and present a Motion for Relief from Stay and Co-Debtor Stay, a copy of which is attached.

This motion will be presented and heard electronically using AT&T Teleconference. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must call this toll-free number: 1-877-336-1839 Then enter access code 3900709 followed by the pound (#) sign.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

CitiMortgage, Inc.

By: /s/ Todd J. Ruchman
Todd J. Ruchman (6271827)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
Contact email is tjruchman@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached motion upon the parties listed below, by causing same to be mailed in a properly addressed envelope, postage prepaid, on the below listed date, unless a copy was provided electronically by the Clerk of the Court.

Date 2/3/2021

/s/ Todd J. Ruchman
Signature

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

M. O. Marshall, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603, ecf@tvch13.net

David M Siegel, Attorney for Samsideen D. Quadri AKA Sam D Quadri, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090, davidsiegelbk@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on February 3, 2021:

Samsideen D. Quadri AKA Sam D Quadri, 3125 Alexander Cresent, Flossmoor, IL 60422

Samsideen D. Quadri AKA Sam D Quadri and Victoria Quadri, 3125 Alexander Crescent, Flossmoor, IL 60422-1707

4. The above described Mortgage was given to secure a promissory note, ("Note"), dated September 28, 2012 and made payable to the Movant in the original sum of \$161,273.00. A copy of the Note is attached hereto as Exhibit "B."
5. The Movant perfected an interest in the Property, more particularly described in the Mortgage, recorded in the Cook County Recorder's Office on October 2, 2012. Evidence of perfection is attached as Exhibit "A."
6. The subject Note and Mortgage are co-signed by Victoria Quadri and that to the extent that the Co-Debtor stay of 11 U.S.C. § 1301 applies to real estate loans, it applies to Victoria Quadri and grounds exist for relief therefrom under 11 U.S.C. § 1301(c)(1) as the Co-Debtor received an ownership interest in the Property and under 11 U.S.C. § 1301(c)(3) if the automatic stay is modified therein.
7. As of January 14, 2021, the outstanding principal of the Note was \$137,859.86 and the outstanding interest was \$7,411.86.
8. The Debtor is in default post-petition. A payment history is attached as Exhibit "C."
9. Said failure to make post-petition mortgage payments constitutes sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. §362(d)(1);
10. The Property is of inconsequential value and benefit to the estate. Cause exists to lift the automatic stay under 11 U.S.C. § 362(d)(1) and/or 362(d)(2) for these reasons:
 - a. Debtor and Co-Debtor have no equity in the Property and the Property is not needed by the Debtor for its reorganization. Movant believes that the Property has a value of \$102,000.00 based on the Debtor's Schedule A, which is attached hereto as Exhibit "D." The estimated principal balance is \$137,859.86 with additional interest estimated at \$7,411.86, an escrow advance of \$8,218.20, late charges of \$318.56, and

fees of \$3,835.50, totals a secured claim of approximately \$157,643.98. After the costs of sale and payment of all liens on the Property, there will be effectively no equity in this Property. Based upon the lack of equity in the Property, Movant asserts that the Property is burdensome and/or of inconsequential value and benefit to the estate.

- b. The Movant is not being adequately protected. Per the Note and Mortgage, payments are applied to the last month due. Based on the foregoing, Debtor and Co-Debtor have failed to make periodic payments to Creditor since March 1, 2020, which unpaid payments are in the aggregate amount less suspense of \$16,167.46 through January 2021. As of January 14, 2021, Debtor was to have made 40 post-petition payments. Debtor has only made 29 post-petition payments. Debtor is delinquent 11 post-petition payments.

- 11. The Movant requests that the Court order that Rule 4001(a)(3) is not applicable.

WHEREFORE, the Creditor prays for the entry of the attached Order Granting Relief from the Automatic Stay and Co-Debtor Stay and the Trustee is hereby directed to halt disbursements to Creditor upon the filing of the Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Todd J. Ruchman
Todd J. Ruchman (6271827)

Keith Levy (6279243)
Sarah E. Barngrover (28840-64)
Adam B. Hall (0088234)
Edward H. Cahill (0088985)
Umair M. Malik (6304888)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
614-220-5611; Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Todd J.
Ruchman.
Contact email is
tjruchman@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay and Co-Debtor Stay (First Mortgage) was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Tom Vaughn, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603, ecf@tvch13.net

David M Siegel, Attorney for Samsideen D. Quadri AKA Sam D Quadri, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090, davidsiegelbk@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on Hgdtwct{ 3, 2023:

Samsideen D. Quadri AKA Sam D Quadri, 3125 Alexander Cresent, Flossmoor, IL 60422

Samsideen D. Quadri AKA Sam D Quadri and Victoria Quadri, 3125 Alexander Crescent, Flossmoor, IL 60422-1707

/s/ Todd J. Ruchman
